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LIFE AND TIMES OF WILLIAM CRANCH,  
JUDGE OF THE DISTRICT CIRCUIT  
COURT, 1801-1855.

By WILLIAM F. CARNE.

(Read before the Society, December 2, 1901.)

I propose to spend half an hour in an exposition of the life and times of William Cranch, long the highest judge of the Courts of this District.

That I come from Alexandria for this purpose seems not unfitting, because his official and social life was spent on both sides of the river Potomac, that then flowed like the Seine at Paris and the Thames at London across a nation's capital.

Judge Cranch was a native of Massachusetts, born at Weymouth, in that state, on the 17th of July, 1769, while New England was seething with excitement at the presence of British troops in Boston. His infancy was surrounded with deeds of war. He was in his cradle when the Boston Massacre occurred, and almost the first words to which the young boy listened told of Lexington and Bunker Hill. His father was a judge of the Court of Common Pleas of Massachusetts. He entered into manhood just as the states that had won their freedom in his childhood advanced themselves to a mature growth and formed a stronger and more carefully planned union.

He came to the seat of the Federal government in October, 1794, in the freshness of early manhood, being then twenty-five years of age. He had probably, on his way from Massachusetts, visited the cities that lay

along the Atlantic slope between Boston and Washington and must have spent some time at the seat of government in Philadelphia, seeking and gaining such information as might be serviceable to him when the President, Congress and the public offices should be transferred to the banks of the Potomac. There he saw the first President, the founder of the city in which he was soon to reach so deserved an eminence. There, too, it is likely he called upon Vice-President Adams of his own state, the friend of his father, who was to give the young lawyer a place among American judges before he became 33 years of age; and there, too, it was the natural course of social events that he should meet Secretary of State Jefferson, who was within ten years to elevate him to the head of the judiciary of the District of Columbia.

The young lawyer saw Washington city rising in the fields and along the morasses. Oxen were drawing huge rocks from the creeks to the hill top where with chiseled stone on stone men were building the capitol house of the New World. The cranes were still creaking on the unfinished walls of the President's House. Blodgett's great hotel stood incomplete on an eminence. Old farmhouses and new residences, scattered here and there, gave some promise of civilized comfort; but the main dwellings of the place were cabins raised to lodge the laborers who were building the metropolis. He came in amid the scaffoldings and the derricks that were lifting a city from the marsh.

He found no sufficient dwelling place at the unfinished capital and became a resident of Alexandria, then believed to be a part of the seat of the government of the United States, although a law had already been passed which forbade the erection of any of the

public buildings south of the Potomac. In Washington there were no courts, but a judicial system was in existence in Alexandria. I can find no evidence of his practice before the Court of Hustings but some of the older conveyances are said to have been from his hand. His practice in Washington, if any, must have been before the Board of Commissioners principally concerned with building regulations.

Congress on the 27th of February, 1801, passed an act which created a circuit court of the District of Columbia to consist of one chief judge and two assistant judges, and on the 3d of March President Adams appointed Hon. William Kilty chief judge with Hon. James Marshall and Hon. William Cranch, assistant judges.

Rooms in the building east of the ascending Capitol were fixed for the New Court at the house on the corner of A and First Streets, N. E., afterwards known as the Old Capitol and still later as the Old Capitol prison. The venerable E. J. Middleton told me that the Court was held there when he became one of its clerks.

There had been severe criticism of the appointments of judges made by the outgoing Federal President, John Adams, during the last hours of his administration and his appointees were stigmatized by the more violent of the Republican party prints as the "midnight judges," but Mr. Jefferson when he became president was faithful to his declaration, "We are all Federalists; we are all Republicans," and that the sole criterion for appointment to office must be an affirmative answer to the questions: "Is he honest? Is he capable? Is he faithful to the constitution?" When Chief Judge Kilty resigned in January, 1806, Mr. Jefferson found Judge Cranch entirely conformable to this high standard and he was made Chief Judge by the author of the Declaration of Independence.

He served as Chief Justice with many learned associates: Hon. Nicholas Fitzhugh, Hon. Allen Bowie Duckett, Hon. Buckner Thurston, James Morsell and Thompson Mason.

In the first decade of the new century, considering that it is not good for man to be alone, he had wooed and married Miss Nancy Greenleaf, the sister of Mr. James Greenleaf, one of the enterprising assistants of the great citizen who founded the City of Washington.

He began his judicial functions in Alexandria in April, 1801. The jurisdiction of the court, as was afterwards ruled, had vested on the first Monday of December, 1800, but this was the opening of judicial functions which continued there until the autumn of 1847. The first session of the court was held in the Hustings Court building which then stood alone on the north side of the Market Square, but was soon made the companion of a Masonic hall which Alexandria-Washington Lodge erected alongside both buildings, having an entrance from the same porch. Cleon Moore was appointed clerk of the Court and a bar of attorneys took the oaths. These were Charles Lee, Thomas Swann, Edmund I. Lee, Robert I. Taylor, John Love, Walter Jones, George Young and Jonathan Faw.

In June the three Justices opened in Washington the United States Circuit Court for the county of Washington and Judge Crane with his chief and his associates occupied his place on the bench.

After the usual proclamation had been made by D. C. Brent, the first marshal, Mr. Uriah Forrest, the first clerk of the Court called and swore in the first grand jury of Washington. These were all gentlemen who would have done honor to any panel in the world.

Mr. Thomas G. Addison was the foreman, and the others who took the same oath which the foreman had taken were: John Addison, James Barry, Daniel Carroll of Duddington, John G. Frost, Robert Brent, Clotworthy Stephenson, Cornelius Cunningham, Thomas Peters, Francis Deakens, Marshall Waring, Thomas Corcoran, Abraham Boyd, Joseph Sprigg Belt, James Dunlap, John Laird, William Lee, Thomas Beall of George, and John Plater—20 in all—representative gentlemen of the time.

They were selected from the 12,000 people then in the County of Washington. Can twenty more worthy men be now selected from the 280,000 people that inhabit the same territory? At the opening of that court Messrs. Phil. T. Baker, S. Clare, Jr., W. B. Shryrock, Archibald Van Horn, Trueman Tyler, H. H. Chapman, Clement Dorsey, Charles Lee and Walter Jones qualified as attorneys and made up the first bar of Washington.

During all the early days of Judge Cranch's residence in the District he made his visits to Washington in the slower methods of the times. At first, when he came by land in carriage or on horseback, he was obliged to pass over what was later known as the Georgetown road from the south to Mason's Ferry near Analostan Island, hence over into Georgetown and thence into Washington City. After 1808 a fine turnpike was laid out from Alexandria to the Potomac. The four mile run was bridged and the Long Bridge constructed across the Potomac. Hence Judge Cranch could leave his Alexandria home and drive or ride in less than an hour to the foot of Maryland Avenue or the common over which 14th Street was laid out. Later still a team boat or horse boat would bring him by the river to the Long Bridge, and soon after the war waged by Great Britain

upon the United States was over, a small steam boat was placed on the route between the District cities.

One advertisement of the new steam ferry boat is so notable and curious that you will pardon me for reading it.

*"The Steam Boat.*—The proprietor of the steam boat Camden respectfully informs the public that there is not the least cause to apprehend danger from the bursting of the boilers of that vessel. They have frequently burst and the only evil experienced has been a little delay. The Camden starts from Alexandria at 9 a. m. and from Georgetown at 4 p. m.; passage 50 cents, children half price."

It is probable that when the boilers did not burst Judge Crane got ashore at the north draw of the bridge. In other cases he was probably put in a skiff and paddled to one of the new wharves of the seat of government.

Afterwards came a time of more comfortable ferry boats; but as Washington grew and the Judge's courts there occupied more of his time, he left Alexandria, where his son, C. P. Crane, was born in 1813, and came about 1825 to reside in Washington. His residence here was on Delaware Avenue north between B and C Streets north or, as we now say, northeast.

I have not been able to ascertain whether Judge Crane was in Alexandria or in Washington in August, 1814, during the two hostile visits made by the British to the District.

In 1820, he gathered and codified the laws of the Corporation of Alexandria. His jurisdiction, especially south of the Potomac, belonged to the old régime. He was more than once called upon to carry out laws which the present day deems palpably unjust, and it is evident that he did so with the most child-

like, bland and implicit confidence that the law of the land was the highest expression of human wisdom.

The old laws which made theft a capital offence had been repealed in Maryland before the cession of Washington County, but in Virginia not until after the cession of Alexandria County, and so that 39 square miles of territory stood in 1820 alone in America in making life the price of stolen goods.

In this year and same term, a cooper named Davis, who had cut the throat of a fellow workman and been convicted of murder, and a negro named Hull, who had feloniously entered the storehouse of Clarke & Cook and stolen four dollars, had been convicted of a second larceny. Both men came up for sentence at the same time. Judge Cranch having with due solemnity sentenced the murderer to be hung, turned then to the trembling thief, who stood at the bar, and delivered his sentence in these words:

“Richard Hull—You have been convicted of feloniously breaking and entering the store house of Leonard Cook and James Clarke, and taking therefrom goods of a greater value than four dollars. The punishment which the law in force in this county has affixed to this crime is death.

“You had before been tried in this term for a like offense; and, although by the tenderness of the jury you were acquitted, yet few who heard the trial could doubt of your guilt. Although the punishment is here more severe than in the neighboring states and more severe than in the other county in this District, yet the circumstances to which I have alluded may preclude you from hope of pardon. I hope and trust therefore that you will apply to yourself the observations and exhortations which have just been addressed in your hearing to your fellow prisoner. And it now becomes

my duty to pronounce the sentence of the law which is—

“That you be taken hence to the place whence you came; and thence to the place of public execution, and that you be there hanged by the neck until you be dead.

“And may God Almighty have mercy upon your soul.”

It is a comfort to know that this sentence was never executed; for President Monroe, wiser than the old statute, at first reprieved Hull and then commuted his sentence into one of imprisonment.

During the administration of his judicial functions the branding iron and the whipping post were the common deterrents from crime and the punishment of offenders. As late as the May term, 1835, of the Alexandria Circuit Court, H. Sly, convicted of a flagrant assault, was sentenced by Judge Cranch to be branded in the left hand and receive twenty-five strokes. On the south side of the river the branding was done with the handle of the ponderous jail key. In later years it was never heated very hot.

The second term of Monroe and the quiet four years of the administration of John Quincy Adams passed without sensation, if not without interest, over the career of the District and its Chief Justice.

Once indeed he was called to determine whether or not John Quincy Adams was president of the United States. It was objected in a proceeding in which the President was concerned that the constitution of the United States required that the President should be chosen by electors elected by the voters of the several states, but that Mr. Adams had not been so chosen as the vote by which Mr. Adams became a candidate before the House of Representatives which elected him was in part made up of the votes of the electors of

South Carolina who had been chosen, not by the voters of that state, but by its legislature. The validity of the vote was sustained by Judge Cranch and his associates.

The case of Tobias Watkins occasioned many comments of undeserved severity upon Judge Cranch from the opposition press. Watkins, who had embezzled \$3,050 from the United States, was sentenced to pay a fine of equal amount and to be imprisoned nine months in jail. The leading newspaper of my own town defended Judge Cranch with warmth, saying "In the District where Judge Cranch is known these charges excite no other feeling than sorrow that their authors should so degrade themselves and impose upon their readers."

The singular case of Mrs. Anne Royall, the termagant disturber of the peace of Capitol Hill, came also before Judge Cranch at the same term at which the trial of Tobias Watkins took place. The indictment in her case charged her with the common law offence of being a common scold and alleged that she was "a common slanderer and disturber of the peace and happiness of the good people of the neighborhood in which she resides on the 1st day of June, 1829, and on divers other days and times." She conducted her own defence and the trial remained the most comic ever conducted at the city hall until the trial of the libel suit of the late Judge Purcell against the late *National Republican* in more modern days.

Judge Cranch presided with dignity but Mrs. Royall was ever the foe of dignity, and although thoroughly frightened she maintained her side with sarcastic vigor. At one time during the trial Mr. H. Tims, door-keeper of the United States Senate, was called as a witness and the correspondent of a New York paper thus reported the incident to his journal:

“Mr. Tims was asked if he knew of Mrs. Royall slandering anybody. He promptly replied, ‘Yes, she has slandered me; she called me an exemplary man—now that’s slander.’” This seems to have been considered very funny for the correspondent says: “This was too much; the court roared; bench, bar and jury all lost their balance, and even the sedate Judge Cranch sunk his head between his hands and shook in his chair. Tims himself was the only person left unmoved. He looked around, grave as an owl; just opposite to him stood Mr. Watterson, laughing immoderately. Tims, catching sight of him, again opened his oracular jaws: ‘Yes, sir,’ said he, ‘I know of another person who she has slandered; that is Mr. Watterson. She says in her book that he and Joe Gales are two of the handsomest men in Washington. Now I leave it to all the world if that is not a slander on all the other men in the city.’ This set all to laughing again. In vain the constables roared ‘silence!’ ‘silence!’ and it was some time before the trial could proceed.”

Man is a laughing animal and our fathers had no comic papers.

On her conviction, Judge Cranch held the irate lady to bail. Washington had no ducking stool to inflict the punishment provided by law, and she escaped with a fine.

On the 6th of May, 1833, while Judge Cranch was holding court in Alexandria, he was called upon to take cognizance of the grossest and most ignominious assault ever committed upon a President of the United States. Gen. Andrew Jackson, the President, was a passenger on the steamer Sydney, *en route* to Fredericksburg to lay the corner stone of the monument there dedicated to Mary, the mother of Washington.

A discarded lieutenant of the Navy whom Gen. Jackson had in public often declared to be "unworthy of the naval service of the Republic," resented his private grief by an assault upon a hero whom a grateful country had made its president. The late Samuel M. Janney, then in business on the river front of Alexandria, saw the assault and related the circumstances to me. He said that he pushed himself forward into the cabin where Gen. Jackson sat beside the dining table which was almost as wide as the saloon, leaving but a narrow space for seats between the wall and the table. He was himself advancing towards Gen. Jackson when Randolph pushed him aside and passed him. He heard Gen. Jackson say, "Never mind your gloves," and Randolph's angry introduction: "I am Robert B. Randolph whom you have wronged and insulted." He saw Randolph seize the President by the nose and force him backward. Randolph continued his grip for fifteen or twenty seconds. The president cried, "Oh! Oh!" his mouth being open and his cry had a nasal twang imparted to it by Randolph's tight grip on his nose. When Randolph released his grasp Gen. Jackson seemed on the verge of falling but quickly recovered himself and refused all proffers of popular revenge on Randolph, who was struck several times as he passed off the boat, and was hurried by a friend up King Street and to the City Hotel.

At this point the action of Judge Cranch comes in. He was holding court within a hundred yards of the City Hotel and simultaneously with Randolph's arrival at the door of that tavern came to the court information of the assault. He at once inquired into the circumstances, and while Randolph on horseback a stone's throw away was drinking a mint julip which had been brought out to him, Judge Cranch was preparing his

warrant for his apprehension. But it takes less time to quaff the ingenious concoction which Randolph was to carry beyond the bounds of the District of Columbia than it does to prepare a warrant, and a criminal on horseback is swifter than a deputy marshal on foot, so the warrant was returned, and Randolph stopped to rest at Catt's tavern in Fairfax, half a mile beyond the District line.

Judge Crane however directed the preparation of an indictment against Randolph and he never again came into the District of Columbia, until six or seven years afterwards, when proceedings against him were, by Gen. Jackson's directions, discontinued.

In 1838 the call of the case upon the docket had become tiresome and Judge Crane said that means should be taken to bring Randolph before the court or the indictment should be nollied. District Attorney Key, after consultation with Mr. Felix Grundy, Mr. Van Buren's Attorney-General, wrote to Mr. A. J. Donaldson to ascertain the wishes of Gen. Jackson on the subject and received a letter in which Mr. Donaldson replied that, while Gen. Jackson had never been the prosecutor, because he was always ready to be his own defender, he was more than content that Randolph should be left to the punishment of his own reflections. The next term Judge Crane called the case, and a *nolle pro* closed its judicial history.

He was one of the most frequent contributors to *The Jurist*, a magazine of jurisprudence published in this city about 1835 by Duff Green, Rufus Dawes being his most active assistant.

Judge Crane was called on the 30th of January, 1835, to take action in the case of the second assault upon the President of the United States. On that day General Jackson, who had been attending the funeral

services of Representative Davis of South Carolina, proceeded, accompanied by several members of his cabinet, through the door of the rotunda to the east portico of the capitol. He had scarcely passed the doorway, when a crazy house-painter, named Richard Lawrence, fired two pistol shots at him. Both missed their aim; Gen. Jackson advanced on him with his cane as Secretaries Woodbury and Dickinson seized the crazy man, and delivered him to the marshal, who at once conducted him to Judge Cranch. The Secretaries and others testified to the assault. It was shown that Lawrence said that the President had killed his father, also that he claimed to be King Richard of England and had said he would be King of America. Judge Cranch held him to bail in \$1,500, and no bond being furnished, he was sent to jail. At once some of the party presses assailed the upright judge. It was alleged that Lawrence had been set on the murder of the President, and had confederates in the Senate, etc. One paper said that in the excited state of Washington, it needed only a Titus Oates to swear away the lives of eminent citizens. Judge Cranch, however, did not lack defenders.

As age cast its shadows on the path of the venerable jurist he was destined to lose the companion of his life and the solace of his home. On the morning of Saturday, the 16th of September, 1843, his wife died, amid the regrets of the community. On the following day her brother, James Greenleaf, departed this life, and one funeral train bore both brother and sister to their last resting place on earth. The family names have been intermingled with the geography of the nation's capital, for Greenleaf's Point marks what was once a southern limit to the city and Cranch Street will designate one of its thoroughfares.

In 1845, Judge Cranch received an invitation from the New England Society to participate in the anniversary celebration of the Landing of the Pilgrims at Plymouth. In excusing himself from attending, he pleads that his age and infirmities have, for several years, warned him of the necessity of denying himself the enjoyment of all festive hilarity; but, faithful to his New England lineage, he proposes as a toast to be drunk on the occasion: "The Principles of Civil and Religious Freedom of our Pilgrim Fathers."

In 1847, Judge Cranch ceased his jurisdiction over the south bank of the Potomac, and of all that portion of the ten miles square which is now comprised in Alexandria, the Congress of the United States, the General Assembly of Virginia, and the voters of Alexandria, having united to make void the 17th clause of the eighth section of the first article of the Constitution of the United States. This action was, however, the fitting and legitimate successor of the Act of Congress of March 3, 1791, which forbade the erection of any of the public buildings south of the Potomac.

The later years of the great jurist were quiet and serene. Younger judges were on the bench, and he sank towards the great rest, as sometimes the sun sinks amid clouds but still illuminates, with changing lights, its closing hours. His tired brain slept often, awaking fitfully from time to time; and so his great intellect sank into the long sleep.

Judge Cranch died at his home on Capitol Hill, in Washington, on Saturday the first day of September, 1855, being then in his eighty-seventh year.

The bench and bar gathered to do honor to his memory, and after the voices of Marbury and Coxe, of Bradley and Ennis gave utterance to the sorrow of his associates in the court, the City Council of Washington

expressed the city's sorrow and even from Alexandria the bench and bar of a new jurisdiction sent their memorials to echo the eulogies of his departed worth.

The *Evening Star* spoke the sentiment of the community, saying, "His fellow citizens feel that no man ever possessed more the confidence of his fellow citizens one and all; having been for half a century looked up to in the District of Columbia as the embodiment of legal learning, practical sense and stern integrity of purpose."

The President of the United States and the Attorney General attended his funeral. Rev. William Furnance of the Unitarian Church of Philadelphia, ministered in the last observances beside his remains. The pall was borne by the old lawyers, James Adams, Roger C. Weightman, Richard S. Coxe, James M. Carlisle, William Redin and John Marbury.

The funeral train moved to the Congressional Cemetery and deposited within its precincts all that was mortal of the righteous judge.

Of his great learning it is not mine to speak; I can only wonder and admire. The six volumes of Circuit Court reports, which are to some extent a history of the District, and the nine volumes of reports of the decisions of the Supreme Court of the United States in its earliest days, are and must continue to be a mine in which the legal principles that lie at the foundation of the constitutional government of the United States will ever be sought by the student. God grant they never become the subject of antiquarian research.

Of Judge Cranch's kindness of heart a friend sends me this illustration:

"Old — — (you were probably better acquainted with him than I) was considered a very mean man. He had a superannuated slave man, and, contrary to

law, allowed him to hire himself and knew little or nothing about his whereabouts, or his doings. One night the old negro got drunk, I think, and it being very cold, tried to shelter himself and get warm in the half ruined basement of one of those old houses on Clay Hill. He froze to death. Some little time afterwards, late in the afternoon of one of the early days in the next session of the Circuit Court, the Grand Jury, to the utter astonishment of all present, brought in an indictment for murder in the first degree against his master who was then in the court room and was immediately arrested. He at once secured counsel (whom, I cannot remember) and a pathetic appeal was made to the court to release him on bail, any amount being offered. He was then over seventy, as was stated to the court. Judge Cranch expressed his desire to grant bail, were it lawful, but said the law forbade his doing so without an investigation, which he offered (though then I suppose over 80) to sit up all night to make. This kind offer was declined because —'s counsel was not prepared, and he went to jail. On the trial he was acquitted by the petit jury (I think without leaving the box). Grandfather, who was on that jury said he could not see how the indictment could have been found."

Mr. Cranch was a plain, honest judge, incorruptible by circumstances or by men. He never wore coif or wig; no gown of silk was needed to make imposing his judicial presence. Ermine was for him only a stately figure of speech for the purity of his life—the whiteness of an unstained soul like unto the "few of Sardis" of whom the Master said "They shall walk with me in white because they are worthy."

NOTE:—William Cranch had four sons and three daughters, as follows:

Christopher Pearce Cranch was a painter and writer of prose and verse; graduated from the Columbian University of Washinton City and from the School of Divinity of Cambridge, Massachusetts. He studied art in Italy and Paris and was a member of the National Academy of Art.

John Cranch a portrait painter, born in Washington City, February 2, 1806, died in Urbana, Ohio, January 6, 1891; he was a member of the National Academy of Art and was for a number of years connected with the United States Dead Letter Office.

William, a quiet studious man, was for many years connected with the Patent Office and possessed many fine books.

Edward lived in Cincinnati, was connected for several years in an artistic way with the Rookwood Potteries, making many of their most interesting designs.

Bertha married Rufus Dawes, son of Judge Dawes of Boston, Massachusetts.

Abbie married Elliott, a minister and Margaret married Erastus Brookes of New York.

John Cranch painted the portrait of Chief Justice Cranch which now hangs in the Equity Court Room at the northwest corner of the Court House in this City, about the year 1844. This portrait originally hung in one of the court rooms in the old building where it was slightly injured by the dampness of the walls. It was ordered by the members of the Washington Bar and it is said that the painter received only about one-half of the sum agreed upon for the work. Mrs. Charlotte D. Cranch, wife of John Cranch, is living at Waltham, Massachusetts.

COMMITTEE ON PUBLICATION.